

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, )  
 )  
vs. ) **CRIMINAL ACTION**  
 ) **NO. 04-40019-FDS**  
ALEXIS MORALES, )  
Defendant )  
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2005 MAR 13 P 1:11

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

AFFIDAVIT OF COUNSEL

I, Eduardo Masferrer, state the following is true to the best of my knowledge, information and belief:

1. I am Counsel for the defendant in this action.
2. Counsel was away from the Commonwealth on Vacation from February 25 until March 7, 2005, which is when the Court issued its ruling on the Defendant's motion to suppress.
3. Soon thereafter Counsel had an illness in his immediate Family which prevented him from doing any substantive work on any of his cases from March 11 until March 15<sup>th</sup>, 2005.
4. For these Reasons, Counsel has not had sufficient time to investigate the possibility of recreating a view which would be closer to the Conditions that Existed on June 7, 2004.
5. Nor has Counsel had sufficient time to investigate whether any expert exists which could provide the scientific or technical testimony which the Court deemed necessary in this matter.

Signed under the pains and penalties of perjury this March 18 of 2005.



Eduardo Masferrer